

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Thursday, March 17, 2011**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: March 3, 2011**

**RE: Closed Session of the Board to be held on March 17, 2011**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISION OF ADMINISTRATIVE LAW JUDGE:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. AEROTEK, 10-R3D2-2628
2. ANNAS LINENS #145, 08-R2D1-3490
3. BERBERIAN NUT COMPANY LLC, 10-R2D1-1353 AND 1354
4. BERBERIAN NUT COMPANY LLC, 11-R2D3-0254

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5. BOJ CONSTRUCTION, INC., 09-R1D5-2147 AND 2148
6. CAITAC GARMENT PROCESSING, 10-R4D1-2305 AND 2306
7. CAPISTRANO VALLEY GLASS & MIRROR, INC., 10-R6D5-3997 AND 3998
8. RAFAEL CARILLO, 10-R3D3-3105 AND 3106
9. CHRISTIAN BROTHERS HEATING & AIR CONDITIONING, INC., 10-R6D5-2376
10. CLARY ROOFING, INC., 10-R3D6-2520
11. CPD ENTERPRISES, INC. DBA BC LIGHTING, 10-R6D2-0691 THROUGH 0699
12. D.P.R. CONSTRUCTION, INC., 09-R1D2-2212
13. DEAN'S CERTIFIED WELDING, INC., 10-R5D2-3158
14. DREYERS GRAND ICE CREAM, 10-R6D2-3229 AND 3230
15. DRYWALL WORKS, INC., 08-R2D1-3419
16. ESTRADA'S FARM LABOR SERVICE, 09-R2D4-2682 AND 2683
17. FEDEX GROUND PACKAGE SYSTEM, INC. – SACR 0958, 09-R2D1-1717
18. FLAG CRAFTERS, INC., 10-R3D2-0619
19. FOXEN VINEYARD, INC., 11-R6D2-0229 THROUGH 0231
20. GLAZIER IRON WORKS, INC., 09-R1D1-0575 AND 0576
21. ELIGIO GOMEZ, 10-R6D7-2477
22. GOMEZ FARM LABOR CONTRACTING, INC., 10-R6D5-2148 AND 2149
23. GONSALVES & SANTUCCI, INC. DBA CONCO, 09-R6D1-2781 AND 2782
24. GRANITE CONSTRUCTION CO., 10-R5D1-1568 AND 1569
25. GREENWORLD, INC., 10-R6D5-2653 AND 2654
26. HARBER COMPANIES, INC., 10-R3D3-3983
27. HEWLETT PACKARD, 10-R1D4-2822

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28. HMN, INC., 10-R4D3-3154
29. HOV FINANCIAL SERVICES LLC, 10-R2D1-0338
30. INFINITI SOLUTIONS USA, INC., 09-R1D2-3046
31. JOBBERS MEAT PACKING CO., INC., 10-R4D2-3298 AND 3299
32. JUICE HARVEST CORP., 10-R6D2-1013
33. KEY ENERGY SERVICES, 09-R6D3-2181
34. KINDIG BROTHERS, 10-R2D5-4069
35. KMART CORPORATION, 10-R3D2-1824
36. TAMMY LARKIN DBA VALLEY CENTER CACTI, 10-R6D5-2764 AND 2765
37. LEE'S IMPERIAL WELDING, INC., 09-R1D2-0835
38. ATHAN MAGGANAS, 09-R1D4-1131 THROUGH 1133
39. MAPLEGROVE GLUTEN FREE FOODS, INC., 10-R3D3-3208 AND 3209
40. MAPLEGROVE GLUTEN FREE FOODS, INC., 10-R3D3-3210 THROUGH 3216
41. MARINOVICH COLD STORAGE, 10-R6D3-2859 THROUGH 2862
42. McLELLAN EQUIPMENT, INC., 10-R2D5-3826 THROUGH 3828
43. MICHAEL W. CROWDER, INC. DBA C & H CONSTRUCTION, 10-R3D3-3242
44. MILLBRAE GLASS DBA CAPITOL GLASS COMPANY, 09-R1D1-0797
45. MORGAN NEWMAN CONSTRUCTION, 10-R3D2-0281 THROUGH 0283
46. NOVA DESIGNS BUILDS, INC., 09-R1D5-3199 THROUGH 3022
47. O'SULLIVAN CONSTRUCTION & BUILDING, INC., 09-R1D3-0919 THROUGH 0924
48. PARCO, INC., 11-R3D3-0172
49. PATINA RESTAURANT DBA TORTILLA JOES, 10-R3D1-3013
50. PORVENE DOORS, INC., 10-R6D2-0115 THROUGH 0120

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51. PWLC II, INC., 10-R6D5-2651
52. QUEMETCO, INC., 10-R3D6-2233
53. QUIROZ CONSTRUCTION, INC., 10-R6D7-0253
54. RALPH LARSEN & SONS, INC., 10-R1D4-3092 AND 3093
55. RECYCLING INDUSTRIES, INC., 08-R2D1-3036 AND 3037
56. REGENT AEROSPACE CORPORATION, 10-R4D3-2525 THROUGH 2527
57. RITCHIE PLUMBING, INC., 11-R3D1-0310
58. RIVER GARDEN FARMS, 10-R6D5-2468 THROUGH 2470
59. SALAS MACHINE TOOLS, 11-R3D6-0109
60. SEABREEZE LANDSCAPE, INC., 10-R4D3-3111
61. SHANK/BALFOUR BEATTY, 10-R5D1-1175 AND 1176
62. SHELDON SITE UTILITIES, INC., 10-R3D2-1860 AND 1861
63. SNAK KING CORP., 10-R3D6-3221
64. SPLASH & DASH CAR WASH LLC DBA QUICK QUACK CAR WASH, 10-R2D1-0405
65. SPRECKELS SUGAR COMPANY, INC., 10-R3D2-0482 AND 0483
66. STERIGENICS, 10-R6D4-2016
67. STERIGENICS, 10-R6D4-2017 AND 2018
68. STRUCT-ONE, INC., 10-R6D5-3684
69. SUNRAY OPERATING SERVICES LLC, 10-R3D3-3484 AND 3485
70. SWISHER, 10-R3D1-3280
71. THE CALIFORNIA MUSHROOM FARM, INC., 10-R6D2-0248 AND 0249
72. THE POINTE AT BALBOA LP, 09-R3D2-0012
73. THERMAL STRUCTURES, INC., 10-R3D3-3402 AND 3403

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- 74. TRUE BLUE DBA LABOR READY, 10-R1D2-2157
- 75. UNITED PALLET SERVICES, INC., 10-R6D7-2998 THROUGH 3000
- 76. WEST COAST ARBORISTS, INC., 09-R1D2-1450 THROUGH 1452
- 77. WHOLESALE CHOICE MARKET, INC., 11-R3D1-0309
- 78. WIELAND SLIDING DOORS AND WINDOWS, INC., 10-R3D2-2629 AND 2630
- 79. WING HING FOODS, INC., 10-R4D2-2644
- 80. WING HING FOODS, INC., 10-R4D2-2848

**ORDER DISMISSING APPEAL:**

- 1. TRINITY COMMERCIAL ENTERPRISES, INC. DBA TRINITY VALERO, 09-R6D7-4262

**ORDER GRANTING LEAVE TO PROCESS APPEALS AS TIMELY:**

- 1. DRAEGER CONSTRUCTION, 11-R3D1-0532

**ORDERS DENYING LATE APPEALS:**

- 1. AMAZING NAIL & SPA, 11-R2D4-9030
- 2. PACIFIC EMPIRE BUILDERS, 11-R2D4-9029

**ORDERS DENYING LEAVE TO FILE LATE APPEALS:**

- 1. DAVID TE VELDE DAIRY, 11-R2D5-9048
- 2. GARDELLE CONSTRUCTION & LANDSCAPING, INC., 11-R6D7-9046
- 3. IRRIGATION PRODUCTION, INC., 11-R2D5-9047
- 4. MIRNA MOJICA DBA FIRST CLASS AUTO BODY, 11-R6D7-9045

**ORDER ON REMAND:**

- 1. AVESON EDUCATIONAL COOPERATIVE, INC., 09-R4D2-0337

**ORDER AFTER REMAND:**

- 1. PARKER-HANNIFIN CORPORATION, RACOR DIVISION, 08-R2D4-2508

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**ORDERS OF REMAND:**

1. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
2. DEIDRICH COFFEE, INC. DBA GLORIA JEAN'S COFFEE, 09-R1D2-1858
3. JOSEFF-HOLLYWOOD, 09-R6D2-3914 THROUGH 3919
4. MITCHELL ENVIRONMENTAL CONCRETE, 09-R4D5-0147
5. RICH DOSS, INC., 08-R2D1-3002 AND 3003
6. VINTAGE PAVING CO., INC., 09-R2D1-0504

**STIPULATION:**

1. ADVANCE STEEL RECOVERY, 08-R3D3-2766

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. KIRKLAND ENTERPRISES, INC., 08-R3D3-2803
2. WOORIMAN CORPORATION, 11-R6D5-9040

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

*If the Appeals Board votes to deny a Petition for Reconsideration, the Legal Unit drafts a letter of denial to the petitioner. The draft correspondence is then reviewed and approved for signature or not approved for signature by the Board.*

1. BAKERSFIELD CENTRAL METAL, INC., 10-R2D5-2140
2. COAST LINE WOODWORK CORP., 10-R3D2-9274

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135

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4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ANNING-JOHNSON COMPANY, 06-R1D3-1976
7. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
8. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
9. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
10. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
11. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
12. BURTON L. SILVA FARMS, 09-R1D2-1498
13. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
14. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
15. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
16. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
17. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
18. CLINE CELLARS, INC., 08-R1D5-2946
19. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
20. COMMERCIAL METAL FORMING, 09-R3D1-1592
21. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
22. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
23. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
24. DESIGN BUILDERS, INC., 08-R4D4-1901
25. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111

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26. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
27. DUKE PACIFIC, INC., 08-R3D3-574
28. DUININCK BROS., INC., 06-R4D3-2871
29. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
30. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
31. EZ MIX, INC., 08-R4D3-1898
32. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
33. FORTUNA IRON WORKS 06-R2D3-4222
34. G.T. ALDERMAN, INC., 05-R4D3-3513
35. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
36. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
37. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3678
38. HB PARKCO, 07-R4D2-1730 AND 1731
39. THE HERRICK CORP., 07-R3D1-495
40. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
41. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
42. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
43. JENSEN PRECAST, 05-R2D1-2377
44. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
45. KELLY SERVICES, INC., 06-R1D2-1024
46. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
47. LA MINA CANTINA, 09-R2D5-0039
48. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844



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49. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
50. LION RAISINS, INC., 08-R2D5-2253 AND 2254
51. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
52. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
53. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
54. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR  
08-R6D5-3466 AND 3467
55. MARINE TERMINALS, 08-08-R6D2-1920
56. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
57. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414  
THROUGH 3418
58. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
59. MILLENIUM GENERATION, INC., 08-R4D3-5047
60. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
61. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
62. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
63. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
64. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
65. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026
66. POUK & STEINLE, INC., 09-R3D3-0491
67. R & L BROSAMER, INC., 03-R1D5-4832
68. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
69. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
70. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710

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71. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
72. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
73. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
74. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
75. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
76. SMUD, 08-R2D1-4887 THROUGH 4889 (filed by DOSH)
77. STACY & WITBECK, INC., 05-R1D1-1142
78. SUNOPTA FRUIT GROUP, 09-R3D1-9245
79. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
80. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
81. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
82. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
83. UNITED PARCEL SERVICE, 07-R3D3-3322
84. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
85. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)

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3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
4. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-  
9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
9. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
10. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
11. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
12. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-  
1139)
13. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
14. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)
15. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
16. SMUD, 34-2010-80000723 (08-R2D1-4887)
17. CAL ENERGY OPERATING CORP., 34-2010-80000735 (09-R3D2-3675 & 3676)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.

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